



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5411

by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

New Act

Creates the Cannabis Study Act. Provides that before considering the regulation and taxing of cannabis in a manner similar to alcohol and tobacco for individuals 21 years of age or older, the General Assembly shall direct the Illinois Sentencing Policy Advisory Council to: (1) determine the effect regulation and taxation would have on law enforcement resources; (2) determine the impact regulation would have on the rate of arrests, predisposition detention, and sentencing; (3) review approaches a cannabis regulation law could take regarding drug-free workplace policies and procedures and what effect the different approaches would have; (4) determine the effect regulation and taxation would have on existing criminal laws, including the Cannabis Control Act; (5) review approaches states have taken to reduce risks associated with the operation of motor vehicles by individuals impaired by intoxicants including but not limited to cannabis, and what effect the different approaches have had on rates of fatalities; (6) determine to what extent the taxation and regulation of cannabis may generate employment and revenue in Illinois if at all; (7) determine the regulatory and taxing system needed for the licensing of entities to sell cannabis and the licensing of entities to grow cannabis; (8) determine the product labeling, quality control, and taxing regulations needed; (9) compare the health effects of cannabis, alcohol, and prescription drugs on the individual and community as it relates to violence, risk-taking, addiction, cancer, overdose, and mortality; (10) determine the impact that existing laws on cannabis possession have on rates of crime and violence; and (11) any other relevant analysis regarding the impact on the public safety and welfare of the citizens of Illinois. Provides that the Illinois Sentencing Policy Advisory Council shall consider factors and work in conjunction with, and obtain input from, any individual, agency, association, and research institution deemed appropriate by the Council. Provides that the Illinois Sentencing Policy Advisory Council shall report to the General Assembly its findings on or before December 20, 2015.

LRB098 18955 RLC 54103 b

A BILL FOR

1 AN ACT concerning cannabis.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Cannabis Study Act.

6 Section 5. Findings.

7 (a) Numerous localities throughout this State impose a
8 civil fine for the possession of cannabis. The states of
9 Alaska, California, Connecticut, Maine, Massachusetts,
10 Mississippi, Nebraska, New York, Rhode Island and Vermont
11 impose civil fines, based on specified low gram quantities of
12 cannabis. On August 29, 2013 the U.S. Department of Justice
13 issued a "Guidance Regarding Marijuana Enforcement" Memorandum
14 for all United States Attorneys reaffirming that "the
15 Department of Justice has not historically devoted resources
16 for prosecuting individuals whose conduct is limited to
17 possession of small amounts of marijuana for personal use on
18 private property".

19 (b) In 2012, a majority of voters in the states of Colorado
20 and Washington legalized the possession of cannabis by any
21 person 21 years of age or older, and tax and regulate cannabis
22 in a manner similar to alcohol. Despite existing federal law
23 prohibitions regarding the purchase and possession of

1 cannabis, on August 29, 2013, the U.S. Attorney General
2 publicly stated that the Department of Justice would allow
3 Washington and Colorado to create a system that would regulate
4 and implement legalization of the use of cannabis for adults.

5 (c) Numerous polls, including a 2013 Pew Research Center
6 poll found that a majority of Americans favor legalizing the
7 use of cannabis, with an 11 point rise since 2010.

8 (d) During the 42 years since the enactment of the Cannabis
9 Control Act, attitudes in this State regarding the use of
10 cannabis have changed; Public Act 98-122, the Compassionate Use
11 of Medical Cannabis Pilot Program Act, of the 98th General
12 Assembly, authorized physicians to prescribe cannabis for
13 therapeutic use in patients suffering from certain types of
14 medical conditions.

15 (e) It is appropriate for this State to consider the
16 regulation and taxing of cannabis, in a manner similar to
17 alcohol and tobacco, for individuals 21 years of age or older.

18 (f) If the General Assembly wishes to consider regulating
19 and taxing cannabis, in a manner similar to alcohol or tobacco,
20 for individuals 21 years of age or older, that decision should
21 be based upon facts which establish that the regulation and
22 taxation of cannabis is in the best interest of the people of
23 the State of Illinois.

24 Section 10. Regulation and taxation of cannabis in a manner
25 similar to alcohol and tobacco for individuals over 21 years of

1 age or older.

2 (a) Before considering regulation and taxation of cannabis
3 in a manner similar to alcohol and tobacco for individuals over
4 21 years of age or older, the General Assembly shall direct the
5 Sentencing Policy Advisory Council to:

6 (1) determine the effect regulation and taxation would
7 have on law enforcement resources;

8 (2) determine the impact regulation would have on the
9 rate of arrests, predisposition detention, and sentencing;

10 (3) review approaches a cannabis regulation law could
11 take regarding drug-free workplace policies and procedures
12 and what effect the different approaches would have;

13 (4) determine the effect regulation and taxation would
14 have on existing criminal laws, including the Cannabis
15 Control Act;

16 (5) review approaches states have taken to reduce risks
17 associated with the operation of motor vehicles by
18 individuals impaired by intoxicants including but not
19 limited to cannabis, and what effect the different
20 approaches have had on rates of fatalities;

21 (6) determine to what extent the taxation and
22 regulation of cannabis may generate employment and revenue
23 in this State if at all;

24 (7) determine the regulatory and taxing system needed
25 for the licensing of entities to sell cannabis and the
26 licensing of entities to grow cannabis;

1 (8) determine the product labeling, quality control,
2 and taxing regulations needed;

3 (9) compare the health effects of cannabis, alcohol,
4 and prescription drugs on the individual and community as
5 it relates to violence, risk-taking, addiction, cancer,
6 overdose, and mortality;

7 (10) determine the impact that existing laws on
8 cannabis possession have on rates of crime and violence;
9 and

10 (11) any other relevant analysis regarding the impact
11 on the public safety and welfare of the citizens of this
12 State.

13 (b) The Illinois Sentencing Policy Advisory Council shall
14 report to the General Assembly its findings on or before
15 December 20, 2015.

16 Section 15. Scope and partnership. The Illinois Sentencing
17 Policy Advisory Council shall consider factors and work in
18 conjunction with, and obtain input from, any individual,
19 agency, association, and research institution, deemed
20 appropriate by the Council.